

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ELMAGIN CAPITAL LLC,

v.

CHAO CHEN, KARL PETTY,
ENTERGRID LLC, and
ENTERGRID FUND I LLC

Defendants.

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) Civil Action No. 2:20-cv-02576-SB
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) JURY TRIAL DEMANDED
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[PROPOSED] ORDER

AND NOW, this ____ day of _____, 2022, upon consideration of Plaintiff Elmagin Capital, LLC's Motion to Exclude Public and Press from Trial, and Defendants' response(s) thereto, it is hereby ORDERED that Plaintiff's Motion is DENIED. It is further ORDERED that:

1. The trial of this matter shall be open to the public and may only be closed to the public during testimony or discussion that reveals the details of trading strategies.
2. At the start any portions of the trial when the courtroom is closed to the public and the press, the Court should instruct the jury that (a) any closing of the courtroom does not mean that the matters to be discussed actually constitute trade secrets, but only that plaintiff claims that they constitute trade secrets; and (b) it is for the jury to decide whether the matters discussed actually constitute trade secrets.
3. The parties shall adhere to the following procedure in addressing whether the courtroom needs to be closed:

Time	Event
Three Days Before Proposed Presentation or Testimony, at 5:00 PM (or one hour after the end of in-court proceedings, whichever is later)	<p>The proffering party will provide a written statement summarizing with specificity its expected statements or testimony that warrants closing the Courtroom.</p> <p>This will include identification of exhibits to be used with the witness that the proffering party believes would require closure of the Courtroom. To be clear, when Defendants are the proffering party, they will use their best efforts to flag materials for which Plaintiff is expected to seek closure.</p>
Two Days Before, at 5:00 PM (or one hour after the end of in-court proceedings, whichever is later)	<p>The responding party will respond with its agreement of disagreement on a subject-by-subject, exhibit-by-exhibit basis.</p> <p>The responding party will also indicate any exhibits or documents that it reasonably expects to use with the witness that may warrant closing the Courtroom. To be clear, Defendants will use their best efforts to flag materials for which Plaintiff is expected to seek closure.</p> <p>Because cross-examination may involve using unexpected documents, any documents that are new will be addressed at sidebar, hopefully prior to cross examination.</p> <p>The parties will then meet and confer to resolve differences, if possible.</p>
Day Before, at the end of trial, or the Morning of, before testimony begins	The Court will hear any remaining disputes.

BY THE COURT:

Bibas, J.